



Journal of the House

State of Indiana

116th General Assembly

First Special Session

First Meeting Day

Thursday Afternoon

June 11, 2009

The members of the House of Representatives of the State of Indiana met in obedience to a call of the Governor, in a Special Session of the 116th General Assembly.

The invocation was offered by Father Michael O'Mara, St. Mary Catholic Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Representative Brian C. Bosma.

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker ordered the roll of the House to be called:

Austin	Herrell
Avery	Hinkle
Bardon	Kersey
Barnes	Klinker
Bartlett	Knollman
Battles	Koch
Behning	L. Lawson
Bell	Lehe
Bischoff	Lehman
Blanton	Leonard
Borders	Lutz
Borror	McClain ☐
Bosma	Messmer
C. Brown	Michael
T. Brown	Moseley
Burton	Moses
Candelaria Reardon	Murphy
Cheatham	Neese
Cherry	Niezgodski
Clements	Noe
Clere	Oxley
Crawford	Pearson
Crouch	Pelath
Culver	Pflum
Davis	Pierce
Day	Pond
DeLaney	Porter
Dembowski	Pryor
Dermoddy	Reske
Dobis	Richardson
Dodge	Riecken
Duncan	Robertson
Dvorak	Ruppel
Eberhart	Saunders
Espich	M. Smith
Foley	V. Smith
Friend	Soliday ☐
Frizzell	Stemler
Fry	Steuerwald
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Sullivan
Gutwein	Summers
Harris	Thompson

Tincher

Torr

Truitt

Turner

Tyler

VanDenburgh

VanHaaften

Walorski

Welch

Wolkins

Yarde

Mr. Speaker

Roll Call 1: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS PROCLAMATION

TO ALL WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, During the first regular session of the 116th Indiana General Assembly, the General Assembly adjourned *sine die* on April 29, 2009, without fulfilling its constitutional duty to enact a budget for the 2010-2011 biennium;

WHEREAS, The government of the State of Indiana will face grave difficulties in meeting its most fundamental responsibilities to the people of the State of Indiana, including the funding of public schools, prisons, hospitals and law enforcement, after June 30, 2009, unless a budget is enacted prior to July 1, 2009;

WHEREAS, The Constitution of Indiana provides in Article IV, Section 9, that the Governor may call a special session of the General Assembly by proclamation at any time, "if, in the opinion of the Governor, the public welfare shall require it"; and

WHEREAS, In my opinion, the public welfare requires a special session of the 116th General Assembly:

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby proclaim and call a special session of the 116th Indiana General Assembly to convene at One o'clock p.m., June 11, 2009.

SEAL

IN TESTIMONY WHEREOF, I Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 2nd day of June, 2009.

Mitchell E. Daniels, Jr.
Governor of Indiana

ATTEST: Todd Rokita
Secretary of State

The Proclamation was read in full.

ORGANIZATION OF THE FIRST SPECIAL SESSION

HOUSE MOTION

Mr. Speaker: I move that a committee of four members be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business of the First Special Session of the 116th Indiana General Assembly and to receive any communications which the Senate may transmit.

STILWELL

Motion prevailed. The Speaker appointed Representatives Pryor, Tyler, Leonard, and Thompson.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker to notify the Senate that the House has met, has formed a quorum, and is prepared to proceed with the legislative business of the First Special Session of the 116th Indiana General Assembly and to receive any communications which the Senate may transmit, respectfully reports that they have performed the duties assigned to them.

TYLER
PRYOR

THOMPSON
LEONARD
Committee of the House

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four members be appointed by the Speaker to wait upon the Governor, to notify him of the organization of both Houses of the First Special Session of the 116th Indiana General Assembly, and to inform him that they are ready for the transaction of legislative business.

STILWELL

Motion prevailed. The Speaker appointed Representatives Pearson, Riecken, Torr, and T. Brown.

COMMITTEE REPORT

Mr. Speaker: Your committee appointed to act with a like committee of the Senate to wait upon the Governor, to notify him of the organization of both Houses of the First Special Session of the 116th Indiana General Assembly, and to inform him that they are ready for the transaction of legislative business, begs leave to report that they have performed the duties assigned to them.

PEARSON
RIECKEN

T. BROWN
TORR
Committee of the House

Report adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Charbonneau, Head, Taylor, and Sipes be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Charbonneau shall serve as Chair of the Committee."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Lubbers, Dillon, R. Young, and Arnold

be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 1(ss) and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RECEIPT OF ENROLLED ACTS VETOED

MESSAGE FROM THE CLERK OF THE HOUSE

Mr. Speaker and Members of the House: After adjournment *sine die* of the First Regular Session of the 116th General Assembly, Governor Daniels vetoed HEA 1348 and HEA 1491. Both enrolled acts were returned to the House by Governor Daniels and received by me, pursuant to Article 5, Section 14(a)(2)(D) of the Indiana Constitution.

CLINTON McKAY
Principal Clerk of the House

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1348, enacted during the regular session of the 116th General Assembly. While this bill does constitute good policy, it is completely superfluous. At my direction, the Indiana Fire Prevention and Building Safety Commission began months ago the process of updating the state energy code to promote conservation and environmental protection. Accordingly, the language of the bill would only serve to clutter the existing Indiana Code without adding in any way to our progress in these areas.

Date: May 11, 2009

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1491, enacted during the regular session of the 116th General Assembly. The current method of selecting judges for the St. Joseph Superior Court has prevailed successfully for 35 years. It is a model to be emulated, not discarded. It is not broken; it requires no repair. It has produced outstanding jurists and contains sufficient measures of public accountability. I believe it neither necessary nor wise to re-politicize the courts of St. Joseph County.

The addition of another panel to the Court of Appeals at \$2 million per year is difficult to justify in today's challenging fiscal environment. Moreover, if I were to sign a bill linking these two proposals, it could contribute to public cynicism by creating the appearance that my acquiescence was purchased with more appointments. Whatever the merits of expanding the Court of

Appeals may be, they should be considered alone.

Date: May 13, 2007

MITCHELL E. DANIELS, JR.
Governor

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 1(ss)

The Speaker handed down Senate Concurrent Resolution 1, sponsored by Representatives Bauer and Bosma:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 116th General Assembly to adjourn and recess separately throughout the First Special Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House in Special Session and to conduct the public business of the people of the State of Indiana;

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and recess for periods in excess of three (3) days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the First Special Session of the 116th General Assembly;

Whereas, The House of Representatives and the Senate will recess after June 11, 2009 and meet again upon the fall of the gavel of the respective bodies to conduct legislative business: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That each House of the 116th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the First Special Session of the 116th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives, or, in the case of the Senate, by the President Pro Tempore of the Senate.

SECTION 2. The Secretary of the Senate is directed to inform the House of the passage of this resolution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:15 p.m. with the Speaker in the Chair.

RULES SUSPENSION

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 104 and recommends the rule be suspended with respect to House Bill 1001(ss), House Bill 1002(ss), and House Bill 1003(ss) so that such bills may be filed, introduced, and read for the first time on the same day.

GIA QUINTA, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 104 be suspended with respect to House Bill 1001(ss), House Bill 1002(ss), and House Bill 1003(ss) so that such bills may be filed, introduced, and read for the first time on the same day.

GIA QUINTA, Chair

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1001(ss) — Crawford, Pelath
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1002(ss) — Crawford
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

HB 1003(ss) — Riecken
Committee on Ways and Means

A BILL FOR AN ACT concerning human services and to make an appropriation.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, June 15, 2009 at 1:30 p.m.

GIA QUINTA

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Goodin, the House adjourned at 2:30 p.m., this eleventh day of June, 2009, until Monday, June 15, 2009, at 1:30 p.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives